

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 10/629,650
Atty. Docket No. Q76784

REMARKS

Claims 1 and 5-23 are all the claims currently pending in the application. Claims 11-20 have been withdrawn and claims 1, 5-10 and 21-23 have been examined on the merits.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 5, 10 and 22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Fujioka et al. (U.S. Patent No. 6,124,917). Applicant respectfully traverses.

Claim 1 recites, *inter alia*, a depression which constitutes a buffer space which receives extra liquid crystal from a liquid crystal layer. The present application teaches that such a depression reduces or eliminates the possibility that the gap increases near a sealing member (*see, e.g.*, the paragraph bridging pages 12 and 13 of the specification). The Examiner asserts that the outflow preventing portion 409 taught by Fujioka, as shown in the Examiner's diagram included with the Office Action, constitutes the claimed depression. However, the Examiner's alleged depression does not receive extra liquid crystal as claimed.

Fujioka is directed to an outflow preventing portion for receiving an outflow of a sealing material. The outflow preventing portion is designed to receive only the sealing material and not liquid crystal. In fact, the outflow preventing portion may be formed on either side of the sealing portion, and does not have to be on the side towards the liquid crystal layer (*see* column 27, lines 7-10). Regardless, even when the outflow preventing portion is located on a liquid crystal layer side of the sealing material, Fujioka teaches that the outflow preventing portion does not reach

the liquid crystal layer (*see* column 13, lines 3-6, specifically referencing the embodiment of Figs. 1 and 2). There is no indication that Fig. 27, which is cited by the Examiner, is different than Fig. 1 such that liquid crystal would reach the outflow receiving portion 409 (compare the drawings of the embodiment of Fig. 1 and Fig. 27). Instead, Fujioka only teaches a device in which the outflow preventing portion does not reach the liquid crystal layer (*see* column 6, lines 15-18 and column 13, lines 5-6). Since the liquid crystal layer does not reach the outflow preventing portion, it does not receive liquid crystal as claimed.

In view of the above, there is no indication that the alleged Fujioka depression receives liquid crystal as claimed. Accordingly, claim 1 is allowable over Fujioka and claims 5 and 10 are allowable at least by virtue of their dependency from claim 1. Claim 22 is allowable for reasons similar to those given with respect to claim 1.

Claim Rejections - 35 U.S.C. §103

A) Fujioka and Miyazaki

Claims 6-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujioka in view of Miyazaki et al. (U.S. Patent No. 5,978,061). Although the Examiner includes claim 8 in this rejection, this claim is not particularly addressed and is instead addressed in another rejection. Regardless, claims 6-9 depend from claim 1 and Miyazaki does not correct the above-noted deficiencies of Fujioka with respect to claim 1. Accordingly, claims 6-9 are allowable

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over the combined teachings and suggestions of Fujioka and Miyazaki at least by virtue of their dependency.

Furthermore, at least some of these claims are allowable for additional reasons. For example, with respect to claims 6 and 7, the Examiner cites Miyazaki for the placement of the depression. Particularly, with respect to claim 6, the Examiner identifies element 34 of Miyazaki Fig. 1 and with respect to claim 7 the Examiner identifies element 35 of Fig. 1. Even if these could be considered depressions, they provide no teaching or motivation for modifying the alleged Fujioka depression. As discussed above, the Fujioka depression (outflow preventing portion) is designed to receive excess sealing material. Elements 34 and 35 of Miyazaki are not near the sealing material 37 in Miyazaki and would not receive any excess material. Accordingly, even if elements 34 and 35 could be considered depressions, they still would not provide any guidance or motivation with respect to the formation of a depression for receiving sealing material, as in Fujioka. Accordingly, claims 6 and 7 are further allowable at least because there is no motivation for modifying Fujioka with Miyazaki to reach the claimed invention as suggested by the Examiner.

Additionally, Miyazaki provides no motivation for forming a depression of a particular height, let alone the specific height set forth in claim 8. Accordingly, claim 8 is further allowable over the combination of Fujioka and Miyazaki.

B) Fujioka and Kijima

Claims 8 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujioka in view of Kijima et al. (U.S. Patent No. 6,259,500). Claim 8 depends from claim 1 and claim 23 depends from claim 22. Kijima fails to correct the above noted deficiencies of Fujioka with respect to claims 1 and 23. Accordingly, claims 8 and 23 are allowable over the combined teachings and suggestions of Fujioka and Kijima at least by virtue of their respective dependencies.

Furthermore, claims 8 and 23 set forth an equation for the height of the depression based on the width of a non-display region the average value of the gap in the display region. Kijima provides absolutely no motivation for adjusting the height of the alleged Fujioka depression based on the width of a non-display region and the average value of the gap in a display region at all, let alone to the value set forth by the claims. Even if, for the sake of argument alone, Kijima could be applied to Fujioka, the portions of Kijima cited by the Examiner simply do not discuss anything related to the claimed height.

C) Fujioka, Kijima and Murade

Claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujioka in view of Kijima and further in view of Murade et al. (U.S. Patent No. 6,433,841). Claim 21 depends from claim 1. Kijima and Murade fail to corrects the above-noted deficiencies of

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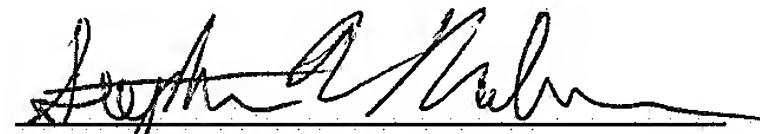
Fujioka with respect to claim 1. Accordingly, claim 21 is allowable over the combined teachings and suggestions of Fujioka, Kijima and Murade at least by virtue of its dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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23373

CUSTOMER NUMBER

Date: September 12, 2006